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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,222	12/08/2003	Tong Zhu	08971.0008	2511
22852 7590 10/23/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER YALEW, FIKREMARIAM A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 10/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/730,222

Applicant(s)

ZHU, TONG

Examiner

Fikremariam Yalew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The office action is in reply to an amendment filed on 08/07/2007. Claim 21 has been amended. Claims 1-39 are pending.
2. The Examiner withdrawal 35 USC 112 rejections based on the applicant argument and also withdrawal the claim objection based on the applicant amendment.

### ***Response to Arguments***

3. Applicant's arguments filed On 08/07/2007 have been fully considered but they are not persuasive.
4. The applicant argued that the prior art does not teach transmitting over a network an indication from a first node to a second node that a third node has failed. The examiner disagree and points out the prior art teach transmitting over a network an indication from a first node to a second node that a third node has failed (See Jarosz col 1 lines 32-40 and col 3 lines 52-58(i.e., the client IP filter transmits a failure detection signal to the gateway). The applicant also argued that the prior art do not teach "reconfiguring a first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node". The examiner disagree and points out the prior art teach reconfiguring a first data initially configured to be transmitted over the network between the second node

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and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node (See Jarosz col 1 lines 31-43 and claim 1 i.e., setting up an encrypted connection b/n the first node and the other selected third node). Furthermore the prior art teach reconfiguring a first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node (See Kauhanen 0014-0015(i.e., reconfiguration of the link)). The examiner maintains the previous office action rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarosz (US Patent No 7000121 B2) in view of Kauhanen (US Pub No 2004/0064563 A1).

7. As per claims 1,14,27: Jarosz teaches a method/system/computer-readable medium for redirecting data, the method comprising: transmitting over a network an

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indication from a first node to a second node that a third node has failed (See col 1 lines 32-40, col 3 lines 52-58 and claim 1);

Jarosz does not explicitly teach reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node (See paragraph 0014-0015).

However Kauhanen teaches reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node (See Paragraph 0014-0015).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Jarosz to include reconfiguring a first data, the first data initially configured to be transmitted over the network between the second node and the third node, to be transmitted over the network between a fourth node and the first node after the indication has been received by the second node. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Jarosz (See col 1 lines 25-29) in order to provide means which ensure that full or partial failure of gateway (for example failure of either one or both of the interfaces onto its connected network) does not result in such a lack of connection.

8. As per claims 2,15,28: the combination of Jarosz and Kauhanen teach the method of further comprising configuring the first node and the fourth node to send and

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receive encrypted data between the first node and the fourth node (See Jarosz col 1 lines 32-45).

9. As per claims 3,16,29: the combination of Jarosz and Kauhanen teach the method of further comprising configuring the first node and the fourth node to send and receive the encrypted data between the first node and the fourth node via a first tunnel (See Kauhanen par 0014).

10. As per claims 4,17,30: the combination Jarosz and Kauhnen teach the method further comprising using a security protocol to encrypt the data (See Jarosz col 4 lines 32-52).

11. As per claim 5,18,31: the combination of Jarosz and Kauhanen teach the method of wherein the security protocol comprises at least one of Secured Socket Layer (SSL), Secure HTTP (SHTTP), Private Communications Technology (PCT), and IP Security (IPSEC)(See Jarosz col 4 lines 32-59).

12. As per claims 6,19,32: the combination of Jarosz and Kauhanen teach the method of claim 1, further comprising configuring the third node and the second node to send and receive encrypted data between the third node and the second node (See Jarosz col 1 lines 32-40, col 3 lines 52-58).

13. As per claims 7,20,33: the combination of Jarosz and Kauhanen teach the method further comprising configuring the third node and the second node to send and receive the encrypted data between the third node and the second node via a second tunnel (See Jarosz col 5 lines 38-63).

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14. As per claims 8,21,34: the combination of Jarosz and Kauhanen teach the method further comprising using a security protocol to encrypt the data (See Jarosz col 4 lines 32-59).

15. As per claims 9,22,35: the combination of Jarosz and Kauhanen teach the method wherein the security protocol comprises at least one of Secured Socket Layer (SSL), Secure HTTP (SHTTP), Private Communications Technology (PCT), and IP Security (IPSEC)(See Jarosz col 4 lines 32-59).

16. As per claims 10,23,36: the combination of Jarosz and Kauhanen teach the method wherein the first node and the third node comprise a first gateway (See Jarosz Fig 2 steps 1,21 and col 3 lines 6-24).

17. As per claims 11,24,37: the combination of Jarosz and Kauhanen teach the method of wherein the second node and the fourth node comprise a second gateway (See See Jarosz Fig 2 steps 1,21 and col 3 lines 6-24).

18. As per claims 12,25,38: the combination of Jarosz and Kauhanen teach the method of wherein transmitting over the network the indication further comprising using Internet Key Exchange (IKE)(See Jarosz col 4 lines 32-59).

19. As per claims 13,26,39: the combination of Jarosz and Kauhanen teach the method of wherein the network comprises the Internet (See Jarosz Fig 2 step 22,4).

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fikremariam Yalew  
10/19/2007  
FA

Art Unit 2136  
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10,22,07